IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16715 of 2005

Between:

Srimathi Tummalapalli Annapurnamma, Students Home Trust (Private Charitable Trust), Eluru Road Centre, Governorpet, Vijayawada, Krishna district Rep by its Secretary Y.Lokanandha Sarma, S/o.Adinarayana Sarma, 65 Years.

..... PETITIONER

AND

The Vijayawada, Guntur , Tenali, Mangalagiri Urban- Development Authority, Vijayawada, Krishna District, Rep by its Vice-Chairman.

.....RESPONDENT

THE HON'BLE SRI JUSTICE E. DHARMA RAO

WRIT PETITION NO. 16715 OF 2005

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondent in passing the impugned proceedings dated 25-06-2005 without granting permission for construction of additional floor of the hostel building in spite of making several applications as illegal and arbitrary.

The petitioner herein is a private Charitable Trust by name and style 'Srimati Timmalapalli Annapurnamma Students Home Trust' represented by its Secretary, situated at Vijayawada. The petitioner-trust was established with a view to provide free food and shelter

to about 50-60 poor and meritorious students and giving scholarships to a tune of Rs.4.00 lakhs every year. During the year 2003, in the process of road widening, the major portion of the building in which the petitioner trust has been conducting hostel was demolished for which no compensation has been paid in lieu of the consent letter given by the petitioner. Therefore, the petitioner-Trust made an application dated 15-12-2003 requesting to grant permission for undertaking construction of additional floor of the building. The said application has been returned by the respondent authorities on the ground that the documents relating to the title and elevation plan etc., were not shown in the annexed plan to the application. As the academic year is commencing, again the petitioner-Trust submitted applications
on 23-05-2005 and on 13-07-2005 enclosing the plans and other documents and requested to do the needful. The grievance of the petitioner is that having obtained consent letter as well as proposed construction plan and all other relevant documents, and the same were enclosed to its application, the respondent authorities passed the impugned proceedings dated 25-06-2005 Aggrieved by the same, the present writ petition has been filed.

Heard both sides.

It is submitted by the learned counsel for the petitioner-Trust that the respondent has rejected the application resubmitted on 13-07-2005 by the petitioner-Trust, on the same ground on which the earlier application of the petitioner dated 28-09-2004 was rejected by an order
dated 10-01-2005. Therefore, the action of the respondent authorities in returning the application on several occasions is not just and reasonable.

I have perused the material available on record.

Having regard to these facts and circumstances, it is evident that the respondent has initially returned the application of the petitioner dated 28-09-2004 with an endorsement dated 10-01-2005 to submit the endorsement plan copies to the office. Again after submission of the application complying the above said objection to the respondent, as submitted by the learned counsel for the petitioner, the application was returned for the self-same grounds and adding further objection with regard to non-mentioning of the existing road widening and proposals of widening the portions, in the plan. Evidently, the respondent has resorted to raise piecemeal objections in respect of application of the petitioner, instead of raising all of such objections at the first instance. Under these circumstances, I deem it appropriate to direct the respondent to consider the application of the petitioner giving

reasonable opportunity to him and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition stands disposed of. No order as to costs.

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29-07-2005

Note: CC by tomorrow.

B/o MjI/*